



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter ang GUR NANAK HOLDINGS LTD.
and name suppressed to protect privacy]

DECISION

Dispute Codes

OPB

Introduction

This hearing dealt with a landlord's Application for Dispute Resolution (the "Application") under the Residential Tenancy Act (the "Act") for an order of possession for the date specified as the end of the fixed term tenancy in the tenancy agreement.

The landlord appeared at the teleconference hearing and gave affirmed testimony. The tenant did not appear at the hearing which lasted 11 minutes. During the hearing the landlord was given a full opportunity to be heard, to present sworn testimony and make submissions. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

As the tenant did not attend the hearing, service of the landlord's Application and Notice of a Dispute Resolution Hearing (the "Notice of Hearing") was considered.

The landlord testified that he served the tenant with a copy of the landlord's Application and Notice of Hearing by registered mail. The landlord testified that the registered mailing was sent to the tenant's address on December 21, 2016. The landlord provided the Tracking Number orally to confirm the mailing. Taking into account that the online registered mail tracing information supports the undisputed testimony of the landlord and in accordance with section 89 and 90 of the Act, I find that the tenant has been deemed served with the landlord's Application and Notice of Hearing on December 26, 2016, the fifth day after the registered mailing.

Issue(s) to be Decided

- Is the landlord entitled to an order of possession for the end of the fixed term tenancy?

Background and Evidence

The undisputed testimony of the landlord established that a one year fixed term tenancy started on February 1, 2016 ending on January 31, 2017, pursuant to a written tenancy agreement. A copy of the tenancy agreement was submitted as evidence which was signed by the tenant on January 21, 2016. The tenancy agreement shows that the tenant is required to vacate the rental unit on the date specified as the end of the tenancy.

The landlord is seeking an order of possession effective January 31, 2017, the date specified as the end of the tenancy in the tenancy agreement.

Analysis

Based upon the undisputed evidence of the landlord provided during the hearing, and on the balance of probabilities, I find the following.

As the tenant was served with the dispute resolution hearing package and did not attend the hearing, I consider this matter to be unopposed by the tenant. As a result, I find the landlord's application is fully successful as I find the evidence supports the landlord's claim and is reasonable.

I find that January 31, 2017 is the date specified in the tenancy agreement as the date the tenant is required to vacate the rental unit. Accordingly, I find that the landlord is entitled to an order of possession effective January 31, 2017 at 1:00 p.m.

Conclusion

The landlord's application is successful.

Pursuant to section 55, I grant an Order of Possession to the landlord effective January 31, 2017 at 1:00 p.m., upon service of this Order on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Residential Tenancy Act.

Dated: January 25, 2017

Residential Tenancy Branch

